

REMARKS

Claims 1, 8-12, 15-19, and 34-39 have been rejected as being anticipated under 35 U.S.C. §102(e) in view of Atick et al., (U.S. Patent No. 6,111,517), and claims 2-7, 13, 14, and 20-23 have been rejected as being obvious under 35 U.S.C. §103(a) in view of Atick and Matchett et al., (U.S. Patent No. 5,229,764).

This re-issue application is based on U.S. Patent No. 6,049,875 (the '875 Patent), issued on April 11, 2000, which claims priority to two Japanese patent application nos: (1) P08-051973, filed March 8, 1996; and (2) P08-243879, filed September 13, 1996. Certified copies of the two Japanese patent applications were submitted during the prosecution of the '875 Patent. Accordingly, this re-issue application can at minimum claim priority to September 13, 1996 as its filing date.

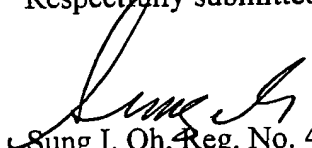
Under pre-AIPA 35 U.S.C. §102(e), a person shall be entitled to a patent unless the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent. In this case, the earliest filing date of the Atick reference is December 30, 1996, which is later than the filing date of this re-issue application. Accordingly, the Atick reference is not a valid prior art for this re-issue application under 35 U.S.C. §102(e). As such, Applicant respectfully submits that the rejection to claims 1, 8-12, 15-19, and 34-39 based on Atick be withdrawn.

With regard to the only remaining reference, Matchett, cited by the Examiner, paragraph 6 of the office action states that the rejection based on the Matchett patent was withdrawn in view of Applicant's arguments in the amendment filed on May 15, 2003. As such, Applicant respectfully submits that all the pending claims 1-39 are in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such

✓ additional fees be associated with an extension of time, applicants respectfully request that this paper be considered a petition therefore.

Respectfully submitted,


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